Call to sign conventions on torture, refugees

By Our Correspondent

ISLAMABAD, Dec 31: Human Rights Commission of Pakistan at its one-day national consultation meeting through a set of recommendations and proposals suggested that Pakistan should sign international conventions on torture and refugees.

The recommendations were adopted at the meeting held at a local hotel here on Wednesday at which basic issues related to reform of penal system were discussed. There were two sessions of the HRCP. The first one was chaired by Afrasiab Khattak on the topic of "system of criminal justice ." The presentation was made by M.L. Shahani Advocate.

The second session was on "the prison system" chaired by Tahir Mohammad Khan, the former information minister in ZAB government with a presentation by Mehboob Khan. The director HRCP I.A. Rehman coordinated the two sessions. The concluding session was presided over by Hina Jilani. In all the three sessions, there was exhaustive and indepth discussion on the related issues and recommendations were formulated.

The meeting was of the view that the reforms in the penal system must be directed on the one hand at making the system more sensitive to the consequences to the human rights norms through legislative reforms and on the other hand responsive to the consequences of state practices that violate these norms.

The participants of the meeting observed that the more disadvantaged groups like women, children, minority and the poor have become more vulnerable to abuse and exploitation as a result of these practices. The inadequacies of legislation for securing the life, liberty and bodily integrity of the citizens is compounded by lack of appropriate response from judiciary. The present system therefore lacks capacity to ensure dignity of person involved in the process either as an accused or victim.

The recommendations made and proposals reiterated included among other things that there should be a SAARC protocol on repatriation of prisoners to serve sentence in their home countries. It was observed that enforcement of special laws for example Frontier Crime Regulation created inequality before law. The repeal of all such laws was recommended.

Establishment of special courts especially military courts was strongly criticized as it undermined the role of judiciary and affected uniformity of standard of justice. The meeting said that judicial responsibility for safeguarding the physical security of prisoners should be fully recognized. It said that both the superior courts and subordinate judiciary must improve their performance with regard to remand, illegal detention by police and the use of torture by the custodial agencies. It said that the training of jail and probation staff is essential. Such training, the meeting recommended, must strongly reinforce the internationally accepted standards of treatment of prisoners deprived of liberty.

About the recommendations regarding treatment of juveniles, it was stated that there should be absolute bar against placement of children in adult facilities prisons. The meeting called for recognition of girls as children and discrimination in their treatment by the criminal justice process was criticized. The meeting held that major area of concern was award of death sentence to the children. It held that other vulnerable categories of prisoners whose standard of treatment fell below accepted norms were mentally-ill prisoners, foreigners and those belonging to the religious minority.

Speaking on independence of the judiciary and delay in the dispensation of justice, the speaker presented the case of Haji Ghulam Hussain Uner. He said that in detention case by law amendment should be brought in section 491 Cr.P.C. must be decided within three days otherwise the detenue should be released forthwith. It was suggested that by an amendment in criminal law the person so released shall not be arrested and for fresh arrest, the poor judges who were handling the case should be consulted grant permission for arrest.

Mr Shahani in his paper said that there has been increase in criminalisation of the police force. He said that remand granted by the Magistrate to the police should also give reasons for remanding an accused. He said that in cases of excesses of the police, proper action is not taken. He suggested that such entry should be made on the service record of the officer concerned. He demanded for separation of the Investigation and Prosecution branches of the Police. He called for curbing the unfettered power of police through criminal prosecution and civil action. He said that the impunity of the police must be controlled. The copy of the FIR must be provided by the police to the accused, Mr Shahani said.

The speaker suggested that the magistrate granting remand in terms of Criminal P.C. must assign the reason for granting remand and must assess the progress in the case and again assign reasons for extending the remand. Any Magistrate transgressing such limits must be dealt with departmentally. He suggested that the police found indulging or committing illegality must be dealt with departmentally.

In the presentation made by Mehboob Khan on the Prison System, it was revealed that out of 82 jails all over the country, there was heavy overcrowding. In all the jails, there were 82,000 prisoners. Of them, 46,000 prisoners were undertrials for 14,000 convicts. Over 26 per cent of the jail population in Punjab comprises drug addicts. In some jails, the drug addicts form a majority of prisoners. They need special attention instead of imprisonment. 59 per cent of prisoners are in Attock jail and 39 per cent in Multan jail. The drug addicts in different jails are mentally sick. Mr Mehboob said that the number of people in death row in jails are 250.